

REMARKS/ARGUMENTS

Claims 1-16 were examined and rejected as being anticipated by or obvious over U.S. Patent No. 5,866,561 to Ungs. Such rejections are traversed in part and overcome in part. The claims have been amended as noted above. Re-examination and reconsideration of the claims, as amended, are respectfully requested.

Claim 1-12 and 16 were rejected as being anticipated over the Ungs '561 patent. Such rejection is respectfully traversed. The Examiner asserts that Ungs discloses "injecting an estrogen into a location beyond the endothelium of the blood vessel . . ." Such characterization of Ungs is not correct.

At best, Ungs discloses that an estrogen compound may be "injected into the vessel wall" surrounding a blood vessel in order to promote angiogenesis. Injection into the vessel wall is hardly the equivalent of injection "into a location beyond the endothelium of the blood vessel" as set forth in claims 1 and 16 herein. In an effort to expedite prosecution, however, Applicants have amended both claims 1 and 16 to further recite that the estrogen is injected not only beyond endothelium but also "into a peri-vascular space or the adventitia surrounding the blood vessel wall."

With these amendments, Applicants believe that the rejections for anticipation have clearly been overcome.

Applicants recognize, however, that the Examiner has further taken the position that injection into the adventitia to achieve the circumferential and axial dispersion, as set forth in dependent claim 13, would be obvious over the teachings of Ungs. The Examiner asserts that "it would have been an obvious matter of design choice" to deliver estrogen so that it dispersed as set forth in claim 13 and further that Applicant has not disclosed that such dispersion or features "serves any advantage or particular purpose or solves a stated problem." Applicants respectfully disagree with this characterization.

The purpose of the present invention is to treat arteriosclerotic diseases, such as hyperplasia and vulnerable plaque, as well described in the application and as specifically set forth in dependent claims 6-9. In order to achieve these objectives, it is the purpose of the

present invention to inject estrogen "into a perivascular space or into adventitial tissue surrounding the endothelial layer of the blood vessel." By injecting estrogens into this space rather than into the endothelial layer (which comprises the cell wall which is the injection of Unga), lower doses of the estrogen may be utilized and significant adventitial distribution of the estrogen may be achieved. See paragraph 21 in the present application.

Such adventitial distribution of estrogen is particularly advantageous since it can provide for treatment of disseminated disease. In some instances, the estrogen could even be injected through adjacent arteries or even veins to avoid the need to inject the drug through the diseased artery being treated. Neither of these advantages could be obtained using the vessel wall injection of estrogen as taught in the Unga patent.

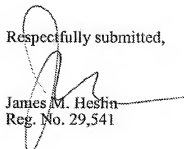
In view of the above amendments and remarks, Applicants believe that all pending claims are in condition for allowance and request that the application be passed to issue at an early date.

CONCLUSION

In view of the above amendments and remarks, Applicants believe that all pending claims are in condition for allowance and request that the application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at (650) 326-2400.

Respectfully submitted,


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